CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 604 -2026

AN ORDINANCE AMENDING SECTION 482 OF THE CITY OF CAPE MAY CODE TO PROHIBIT CONDUCT LIKELY TO RESULT IN LONG-TERM DECLINE OR DEATH OF TREES

WHEREAS, Section 482 of the City Code provides policies and procedures for the protection of trees within the City of Cape May; and

WHEREAS, the Shade Tree Commission of the City of Cape May reports that excessive trimming, or over-pruning, can kill a tree by removing too much foliage, which disrupts its ability to photosynthesize and produce food. A general rule is to avoid removing more than 25% of the canopy in a single season. Improper techniques like "topping," flush cuts, or stub cuts can also introduce disease, pests, and severe stress, leading to long-term decline or death; and

WHEREAS, on May 13, 2026 at a Regular Meeting of the Shade Tree Commission (STC), the STC recommended updates to the City Code pertaining to excessive tree trimming; and

WHEREAS, the City Council has determined it necessary to update the City Code to confirm the procedures applicable to tree removal applications under the City Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May as follows:

Section 1. Section 482 of the City of Cape May Code shall be amended as follows to include the following **NEW SECTION**:

§ 482-12 Excessive Trimming Prohibited.

A. The City Council finds that improper tree cutting practices, including topping, excessive removal of live foliage, and improper cuts such as flush cuts and stub cuts, cause significant and often irreversible harm to trees. These methods reduce a tree's ability to photosynthesize, weaken its structure, increase vulnerability to decay organisms and insect pests, and can result in long-term decline or death. Arboricultural and extension guidance warns that removing more than roughly one quarter (25 percent) of a tree's live crown in a single season impairs health, that topping creates large wounds and weak regrowth that are prone to decay and pest infestation, and that flush and stub cuts prevent proper wound closure and promote rot. Because such practices may be used to evade tree removal permit regulations by indirectly killing protected trees, this Section is intended to provide additional guidance and regulation to prevent these harmful practices.

B. Definitions.

"ANSI A300 Standards" means the current American National Standards Institute A300 standards for tree care operations (Part 1: Pruning), as amended.

"Canopy" or "Crown" means the live, foliated portion of the tree.

"Excessive Canopy Removal" means removal of more than twenty-five percent (25%) of the live canopy of a tree within any single growing season, inclusive of cumulative cuts made during that season.

"Flush Cut" means a pruning cut made at or inside the branch collar and/or branch bark ridge, removing protective tissues necessary for proper wound closure.

"Stub Cut" means a pruning cut that leaves an unreasonably long portion of branch beyond the branch collar such that the tree cannot properly close the wound.

"Topping" (also "heading," "rounding over," or "tipping") means the non-standard practice of cutting back large branches or the main leader to stubs without reducing to suitable lateral branches, resulting in removal of a substantial portion of the crown and stimulating weakly attached epicormic sprouts.

"Regulated Tree" means any tree subject to the City's tree-protection or tree-removal permitting provisions within this Code.

C. **Unlawful Pruning or Cutting of Regulated Tree. No person shall engage in any pruning, cutting, or other activity that, by its nature, is likely to cause injury, structural instability, significant canopy loss, or the decline or death of a Regulated Tree. Unless expressly authorized by the Shade Tree Commission, it is unlawful to perform or cause to be performed on any Regulated Tree any of the following practices, each of which is deemed inherently harmful: (1) topping; (2) removal of more than twenty-five percent (25%) of the live canopy within a single growing season; (3) three or more flush or stub cuts exceeding two (2) inches in diameter; or (4) any combination of cuts that, in the written determination of the City Arborist, compromises the tree's structural integrity or materially reduces photosynthetic capacity; or (5) any pruning practice that is inconsistent with ANSI A300 Standards. A violation of this subsection occurs upon performance of the act itself, regardless of whether measurable decline or death is observable.**

D. **Evasion of Tree-Removal Permitting Requirements. No person shall engage in any of the conduct referenced above in subsection (C) with the intent to evade or circumvent the City's tree-removal permit requirements. A rebuttable presumption of intent to evade or circumvent these requirements shall arise if, within twelve (12) months from denial of a tree-removal permit application, the person engages in any of the conduct referenced in subsection (C). A**

violation of this subsection is separate from and in addition to any violation of subsection (C).

E. Any violation(s) of this section shall be subject to the provisions of § 482-9 and § 482-10.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 3. This ordinance shall take effect 20 days after passage and publication, according to law.

ATTEST:

Erin C. Burke, City Clerk

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

BY: _____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 604-2026 was introduced at a Regular meeting of the City Council of the City of Cape May, held on May 19, 2026 and was further considered for final passage during a Regular Meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on June 1, 2026 at 5:00 P.M. at which time a Public Hearing was held.

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Bodnar	X					
Meier	X				X	
McDade	X					X
Baldwin	X					
Mullock	X					

Introduced: May 19, 2026
1st Online Publication: May 20, 2026
2nd Reading & Adoption: June 1, 2026
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Effective date: June 22, 2026

cc: STC